

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA

CASE NUMBER(S) 01-2013-CT-001235-A

-VS-

DIVISION II

NAME: STUART CRAIG LOWE

DATE OF BIRTH: 07/18/1957

SEX: M

ADDRESS: 1034 NE 5TH AVE, GAINESVILLE, FL 32601

TELEPHONE: (352) 371-3776

CHARGE:

- 1) DUI WITH INJURY OR PROPERTY DAMAGE - IMPAIRMENT

DEFERRED PROSECUTION

It appearing that you have committed offense(s) against the State of Florida referenced above and it further appearing after an investigation of those offense(s) and your background that the best interests of justice will be served by the following procedures:

On the authority of WILLIAM P. CERVONE, as State Attorney for Alachua County, Florida, prosecution in this matter will be deferred for the period of 18 months from the date hereof, PROVIDED you agree to fully abide by the following terms and conditions during said period:

(1) You shall refrain from violating any federal or state law or county or municipal ordinance. If arrested, you shall immediately inform the State Attorney's Office in writing of the charge, and promptly advise in writing of the final disposition of the charge (i.e., dismissed, plea of guilty, finding of guilty or not guilty by a judge or jury).

(2) Your execution of this instrument shall constitute a withdrawal of any demand for speedy trial previously filed by you pursuant to Florida Statute 918.015 and Fla.R.Cr.Pr. 3.191, and a stipulation that the periods of time established by said Rule for trial and any other rights conferred upon you by said Rule are waived.

(3) Your execution of this instrument shall constitute your consent to notification of any future proceedings herein, including revocation of this agreement upon any violation thereof, at the address indicated above, and the issuance of a capias for your arrest upon failure of notice at said address or your failure to appear at any future court hearings held herein.

(4) Upon the filing of this agreement with the Court, your bond, if any has been posted, may be returned to you.

(5) If represented by the Public Defender's Office, payment of Public Defender application fee pursuant to Florida Statute 27.52 must be made.

(6) SPECIAL CONDITIONS, if any: *[Conditions #1-6 must be completed within 12 mos. of execution of agreement.]*

1. Donate **\$500.00** to CDS Family & Behavioral Health Services, F/U/B Project Payback. Send check or money order to the attention of: William P. Cervone, State Attorney, 120 West University Avenue, Gainesville, Florida 32601. The file will be noted for compliance and the donation will be forwarded to recipient.
2. Pay **\$100.00** Cost of Prosecution pursuant to Florida Statute 938.27 to: Office of the State Attorney. Mail or deliver payment to the Office of the State Attorney, Attn: William P. Cervone, State Attorney, Cost of Prosecution, 120 W. University Avenue, Gainesville, FL 32601
3. Perform **50 hours** of Community Service (**5** of them on the Victim Impact Panel) by contacting: Court Services, 14 N.E. 1st Street, Gainesville, Florida (352) 338-7390.
4. Complete DUI School.
5. Alcohol/substance abuse evaluation and comply with any treatment recommended.
6. Surrender your driver's license to the Office of the State Attorney for 14 consecutive days and do not drive during that time. This condition will be waived upon proof of formal suspension of your license by DHSMV.
7. Upon satisfactory compliance with the terms of this agreement as determined by the State Attorney a plea to Reckless Driving as a lesser included offense will be entered. The State will at that time recommend that the Court impose only the statutorily required minimum fine for Reckless Driving in lieu of any additional sanction.
8. Any previously consolidated related civil citation will remain consolidated and be resolved at the conclusion of the period of deferral. Any unconsolidated related civil citation must be resolved independent of this agreement.

PROVIDE PROOF OF COMPLIANCE/RECEIPT TO WILLIAM P. CERVONE, STATE ATTORNEY, 120 WEST UNIVERSITY AVENUE, GAINESVILLE, FLORIDA 32601, **SIX (6) MONTHS** BEFORE TIME PERIOD ENDS.

The period of deferral may be shortened or terminated early by the State Attorney. Upon violation of any condition herein, it may be extended by the State Attorney or terminated and prosecution re-initiated on said charge(s). A violation shall be deemed to have occurred when in the opinion of the State Attorney you have committed such violation, whether or not based upon sworn evidence, whether new charges have been dismissed or you have been acquitted at trial.

DATED at Gainesville, Florida, this 1 day of Sept 21, 2013.

BY: WILLIAM P. CERVONE
State Attorney

The above has been read to me and I understand the nature of the charge(s) against me, the consequences of prosecution and conviction and the conditions of this agreement. I agree to comply with all said conditions and acknowledge that all statements contained herein are true and correct. If represented, I have received advice from my attorney concerning this matter and I am fully satisfied with the services of my attorney. If unrepresented, I acknowledge my right to consult with an attorney of my choice and waive that right for purposes of entering this agreement. I acknowledge receipt by me or my attorney of a fully executed copy of this agreement.

ATTORNEY:
JOHN J. KEARNS, ESQUIRE

Stuart Craig Lowe
DEFERRED DEFENDANT:
STUART CRAIG LOWE